IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

Crl.Rev.Pet.No. 2140 of 2007()

CRA.163/2001 of ADDL. SESSIONS COURT (ADHOC-I), THALASSERY
CC.832/1996 of JUDL. MAGISTRATE OF FIRST CLASS COURT, THALASSERY

.....

REVN. PETITIONER: APPELLANT/ACCUSED

SURESH BABU, S/O.VASU,
AGED 30 YEARS, NUCHIKADAN PARAMBATH VEEDU,
CHOKLI AMSOM, NEDUMBRAM DESOM, THALASSERY TALUK.

BY ADV. SRI.R.PARTHASARATHY
SRI.A.RADHAKRISHNAN NAIR

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

STATION HOUSE OFFICER,
CHOKLI, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.2140 of 2007

Dated this the 4th day of June, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to imprisonment till the rising of the court and to pay a compensation of Rs.10,000/- to PW1 and in default, to undergo simple imprisonment for three months.

2. It is the contention of the counsel for the revision petitioner that the evidence of PWs' 2 and 3 contained some discrepancies and the evidence of PW1 also cannot be believed. It is also contended that the material object produced is a wooden ruler, but PW1 had disclosed to the doctor that he was beaten with an iron rod. The evidence adduced in the matter consisted the testimony of PWs' 1 to 9, Exts. P1 to P4 and MO1.

3. The prosecution case is that on 24.5.1996, at about 8.30 p.m., the accused attacked PW1 with a wooden ruler and that in the incident, PW1 lost a bag containing Rs.15,000/- and

also lost Rs.600/- kept in the pocket of his shirt. The accused was charge sheeted for the offences under Sections 324 and 427 of IPC.

4. PW1, the injured has testified with respect to the incident. It is his version that he alighted from the Mini Lorry and when walking towards his house, the accused attacked him with a wooden ruler. PW2, the cleaner of the Mini Lorry, was testified as eye witness to the incident. PW1 has also testified with respect to the earlier incident that he intervened when the accused had assaulted a neighbour of his. PW4, the doctor has proved Ext. P2 wound certificate which shows that PW1 sustained injuries on the forehead, inner edge of the right eye brow and outer edge of the right eye brow. PWs' 5 and 6 who were neighbours reached the spot on hearing of the cries and saw PW1 with bleeding injuries and was taken to the hospital. The courts below have considered the evidence meticulously and observed that the minor discrepancies are of an inconsequential nature.

5. In the circumstances, I find no reasons to interfere in

the findings of the court below. The findings are supported by proper reasons. The revision petition is dismissed in limine.

The revision petitioner is granted one month's time from today onwards to remit the fine amount. He shall appear before the Judicial First Class Magistrate Court, Thalassery on 6.7.2007 to receive the sentence.

K.R.UDAYABHANU,
JUDGE

csl